



PATENT DOCKET NO. 28122.89
CUSTOMER NO. 000027683

37384

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of ~~EMERSON~~ et al.

Serial No: 09/864,510

Filed: May 24, 2001

VENTRICULAR RESTORATION SHAPING APPARATUS AND METHOD OF USE

Commissioner For Patents
Washington, D.C. 20231

Sir:

Enclosed for filing is a Preliminary Amendment in the above-identified application.

[XX] Small entity status of this application has been established by a previously submitted verified statement under 37 C.F.R. §§ 1.9 and 1.27.
[] A verified statement to establish small entity status under 37 C.F.R. § 1.9 and § 1.27 is enclosed.
[] No additional fee is required.

The fee has been calculated as shown below:

<u>(Col. 1)</u>	<u>(Col. 2)</u>	<u>(Col. 3)</u>	<u>SMALL ENTITY</u>			<u>OTHER THAN A SMALL ENTITY</u>	
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	OR	RATE	ADDIT. FEE
TOTAL	34	minus 28	= 6	x 9	\$ 54.00	OR	x 18
INDEP	4	minus 3	= 1	x 42	\$ 42.00	OR	x 80
[]	FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+135	\$ _____	OR	+270
				TOTAL	\$ 96.00	OR	TOTAL

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

Please charge Deposit Account No. [08-1394 H&B] in the amount of \$ _____.

[XX] A check in the amount of \$96.00 is attached.

[XX] The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. [08-1394 H&B].

Any additional filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims.
 Any patent application processing fees under 37 C.F.R. § 1.17.
 A copy of this sheet is enclosed.

Respectfully submitted,

Bill R. Naifeh
Registration No. 44,962

Date: 1/18/2002
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D-979970.1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, D.C. 20231

$$1-18 = 0.2$$

Mary Lou Cooper